

IN RE: PETITION FOR VARIANCE
NE/S Ridge Road, 1150' NW
of centerline of Heidleberg Lane
14th Election District
6th Councilmanic District
(7903 Comes Avenue)

Thomas & Cindy Laue
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 99-494-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for variance filed by the legal owners of the subject property, Thomas and Cindy Laue. The Petitioners are requesting a variance from Section 1B02.3.C.1 to allow a rear yard setback of 22.5' for a residential dwelling in lieu of the required 30 ft. The variance request is for property they own at 7903 Comes Avenue, located in the Fullerton area of Baltimore County. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioners' Exhibit 1.

Appearing at the hearing on behalf of the variance request were Mr. & Mrs. Laue. Appearing as an interested citizen was Howard Killian, adjacent property owner.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 0.203 acres, more or less, zoned D.R.3.5. The property is improved with a brand new single family residential dwelling which will be the Laue's residence. During the construction of the subject dwelling an error was made by the Laue's builder in that a sunroom was constructed on the rear of the house with a setback of 22.5 ft. from Mr. Killian's property. The property owners were unaware of this setback deficiency, until such time as an inspector advised them as a result of a complaint being lodged by a neighbor. The Laues have filed this variance to permit the sunroom to remain on the rear of their house, given that it is already constructed.

ORDER RECEIVED FOR FILING

Date

8/2/99

By

[Signature]

Appearing as an interested citizen was Mr. Howard Killian, adjacent property owner. Mr. Killian is the most affected neighbor, in that the area of the property where the sunroom is located abuts his property. Mr. Killian does not object to the granting of the variance, so long as no other permanent structures are located in that area of the yard adjacent to his property. The Laues agreed not to locate any permanent structures in that area of their yard and, therefore, a restriction shall be imposed at the end of this order.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and their property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

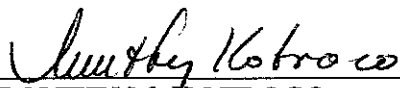
Anderson v. Bd. Of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED this 2nd day of August, 1999, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 to allow a rear yard setback of 22.5' for a residential dwelling in lieu of the required 30 ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at his time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall be prohibited from locating or constructing any permanent structures in the rear yard of their home other than an accessory shed for the storage of garden and law equipment.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER APPROVED FOR FILING
Date 8/2/99
By R. J. [Signature]



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 2, 1999

Mr. & Mrs. Thomas Laue
1021 E. Northern Parkway
Baltimore, Maryland 21212

Re: Petition for Variance
Case No. 99-494-A
Property: 7903 Comes Avenue

Dear Mr. & Mrs. Laue:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Howard Killian
4702 1/2 Ridge Road
Baltimore, Maryland 21236

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7903 Comes Ave.

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1 BOZ.3.C.1

TO PERMIT A ^{REAR} SETBACK OF 22.5' FOR A RESIDENTIAL DWELLING
IN LIEU OF THE REQUIRED 30'.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

The deficiency was found after the house was built by the contractor.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

WK: 410-222-7374

hm: 410-435-0527

Telephone No.

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1-2 hr

UNAVAILABLE FOR HEARING

Reviewed By mjk/LTM Date 6/7/99

Case No. 99-494-A

REV 9/15/98

ORDER REC'D
Date 8/2/99
B.C.

Beginning on the northeast side of
Ridge Road (variable right-of-way) at the
distance of 1,150 feet northwest of the
centerline of Heidelberg Road. Being part
of Lots 11 and 12 of the Gary A. Long
Plat as recorded in Plat Book 7, Folio
Part 2 - 120. Also known as 7903
Comes Avenue, containing .21 acres
in the 14th Election District.

494

99.494-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **065390**

DATE 6/17/99 ACCOUNT 61-612

BY 5000 8/94 AMOUNT \$ 50.00

RECEIVED FROM: THOMAS V. C. C. A. 11 / 7-0000000000 AVE

FOR: MR. V. A. R. M. A. R. E. (M. C. I. D. E. N. T. I. A. L. B. E. R. O.)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PROCESSING DATE
6/08/1999 6/07/1999 1542-12
REQ. DESK CASHIER PUES PER DEAMER
DATE 5 520 ZORING DEPARTMENT
Receipt # 067733
CR NO. 065390

Receipt for \$50.00
\$50.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

99-494-A

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/1/, 1999

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/1/, 1999

THE JEFFERSONIAN,

S. Wilkinson

LEGAL ADVERTISING

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #99-484-A
7903 Conner Avenue
NE/S Ridge Road, 1150' NW
of Centinire Heidelberg Lane
14th Election District
6th Councilmanal District
Legal Owner(s): Andy & Thomas Lane

Variance: to permit a rear setback of 22.5 feet in lieu of the required 30 feet for a dwelling.

Hearing: Thursday, July 22, 1999 at 10:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped - Accessible; for special accommodations. Please contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

7/095 July 1 3322857

CERTIFICATE OF POSTING

RE: CASE # 99-494-A
PETITIONER/DEVELOPER:
(Cindy Laue)
DATE OF Hearing
(July 22, 1999)

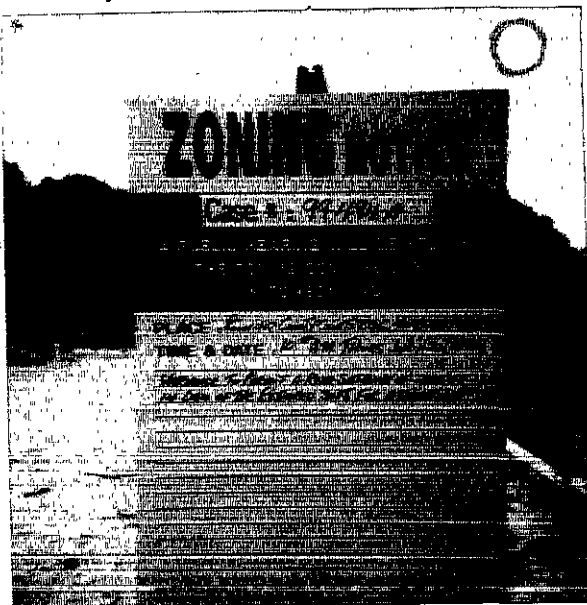
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
7903 Comes Ave. Baltimore , Maryland 21236_____

The sign(s) were posted on _____ 7-7-99 _____
[Month, Day, Year]



Sincerely,

Thomas P. Ogle 7/7/99
[Signature of Sign Poster & Date]

____ Thomas P. Ogle, Sr. _____

____ 325 Nicholson Road _____

____ Baltimore, Maryland 21221 _____

____ (410)-687-8405 _____
[Telephone Number]

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 99-494-A

Petitioner: Thomas and Cindy Laue

Address or Location: 7903 Comes Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas and Cindy Laue

Address: 1021 E. Northern Pkwy
Baltimore, MD 21212

Telephone Number: 410-435-0527



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

June 22, 1999

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-494-A
7903 Comes Avenue
NE/S Ridge Road, 1150' NW of centerline Heidleberg Lane
14th Election District – 6th Councilmanic District
Legal Owner: Cindy & Thomas Laue

Variance to permit a rear setback of 22.5 feet in lieu of the required 30 feet for a dwelling.

HEARING: Thursday, July 22, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

c: Cindy & Thomas Laue

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JULY 7, 1999.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
July 1, 1999 Issue – Jeffersonian

Please forward billing to:

Thomas & Cindy Laue 410-435-0527
1021 E. Northern Parkway
Baltimore, MD 21212

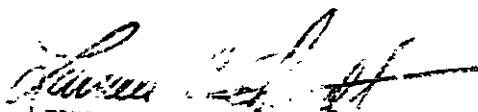
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NE/S Ridge Road, 1150' NW of centerline Heidleberg Lane
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Variance to permit a rear setback of 22.5 feet in lieu of the required 30 feet for a dwelling.

HEARING: Thursday, July 22, 1999 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

SCJ
LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 1, 1999

FROM: Robert W. Bowling, Supervisor
 Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for June 28, 1999
 Item No. 494

The Bureau of Development Plans Review has reviewed the subject zoning item. Per our records, Comes Avenue is a private road with no public water main in the paving. The nearest public water main available to connect the proposed water meter is located in Ridge Road.

Permission to obtain a metered connection from the existing main may be obtained from the Department of Permits and Development Management.

RWB:HJO:jrb

cc: File

ZAC06289.494



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

July 9, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF June 21, 1999

Item No.: See Below

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

2. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

486, 487, 488, 489, 490, 491, 492, 493, 494, 495,
496, 497, 498, 499, 500

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4831, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 25, 1999

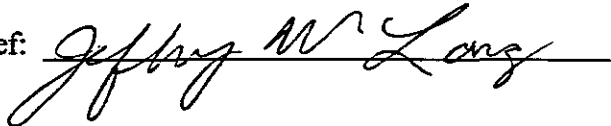
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 493, 494, 496, 498, and 500

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

A handwritten signature in cursive script, reading "Jeffrey W. Long", is written over a horizontal line.

AFK/JL

RE: PETITION FOR VARIANCE
7903 Comes Avenue, NE/S Ridge Rd,
1150' NW of c/l Heidleberg Ln
14th Election District, 6th Councilmanic

Legal Owner: Thomas and Cindy Laue
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 99-494-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of July, 1999 a copy of the foregoing Entry of

Appearance was mailed to Thomas and Cindy Laue, 1021 E. Northern Parkway, Baltimore, MD 21212,
Petitioners.



PETER MAX ZIMMERMAN



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TOWSON, MARYLAND 21204

[Signature]
DIRECTOR

BUILDING PERMIT

[Signature]
BUILDINGS ENGINEER

PERMIT #: B351746 CONTROL #: NR DIST: 14 PREC: 02
DATE ISSUED: 09/22/98 TAX ACCOUNT #: 1600010068 CLASS: 04

PLANS: CONST 2 PLOT 7 R PLAT DATA ELEC YES PLUM YES
LOCATION: 7903 COMES AVE
SUBDIVISION: GEARY LONG

OWNERS INFORMATION

NAME: LAUE, THOMAS & CINDY
ADDR: 1021 E NORTHERN PKWY 21212

TENANT:

CONTR: OWNER

ENGR:

SELLR:

WORK: CONST SFD W/FIREPLACE (OUTSIDE PROJECTION NOT
TO EXCEED 4X10), CVRD FRONT PORCH. 3-BDRMS.
29'4"X56'X33'= 3,195SF
ALSO USING TAX#14-03-048676

BLDG. CODE: 1 AND 2 FAM. CODE

RESIDENTIAL CATEGORY: DETACHED

OWNERSHIP: PRIVATELY OWNED

PROPOSED USE: SFD
100,000.00 EXISTING USE: VACANT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: ONE FAMILY

FOUNDATION: CONCRETE

BASEMENT: FULL

SEWAGE: PUBLIC EXIST

WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 89.86 X 106.00

FRONT STREET:

SIDE STREET:

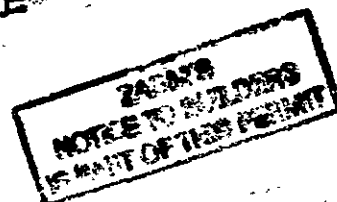
FRONT SETB: 45'

SIDE SETB: 20'/35'

SIDE STR SETB:

REAR SETB: 30'

**THIS PERMIT
EXPIRES ONE
YEAR FROM DATE
OF ISSUE**



99-494-A

Plan to Accompany Petition for Zoning Variance

THIS SURVEY IS BASED ON
BALTIMORE COUNTY TRAVERSE STATIONS
1711D : N 24151.61 E 35240.87
1711B : N 24642.63 E 34609.78
X-2710 : N 25101.23 E 33891.75
PUBLIC UTILITIES ARE
LOCATED IN COMES
AVENUE

N/F
L.3428 F.501
MAYOR
CITY COUNCIL OF BALTIMORE

N/F
L.3688 F.555
MAYOR
CITY COUNCIL
OF
BALTIMORE

N/F
#7904
L.5559-F.255
ROSE HORN TULLY
&
OTHERS

N/F
#7902
L.5114 F163
THOMAS & MARY BENACH

PART
OF
L.589 F456
PART M. COMES
PART OF
LOTS 11 & 12
GARY A. LONG PLAT
W.P.C. #7 Part 2-120

N/F
#7901
L.7764 F590
GREGG A. KEPLINGER & DEBORAH A. LEYHE

OWNER
CINDY LAUE
THOMAS LAUE
1021 E. NORTHERN PARKWAY
BALTIMORE, MD. 21212

0.203 ACRES ±

N/F
L.5713 F306
HOWARD J. KILIAN, JR
&
KATHLEEN M. KILIAN
Zoning DR3.5
Election District: 14
COUNCIL : 6
DISTRICT : 6
PUBLIC WATER
PUBLIC SEWER

LEGEND:
N/F = NOW OR FORMERLY
L = LINDER
F = FOLIO

NOTE: THIS SURVEY WAS MADE
WITHOUT THE BENEFIT
OF A TITLE REPORT.

I hereby certify that I have made a survey
of the property shown hereon and have
found or set the monuments so shown.

NOTE: AREA REVISED 9-20-27

MJK
LTM 99-494-A

SCALE

1"=30'

BOUNDARY PLAT

7903 COMES AVENUE

DATE

5-13-07
REVISED
6-6-07

C.A. ELGIN & ASSOCIATES

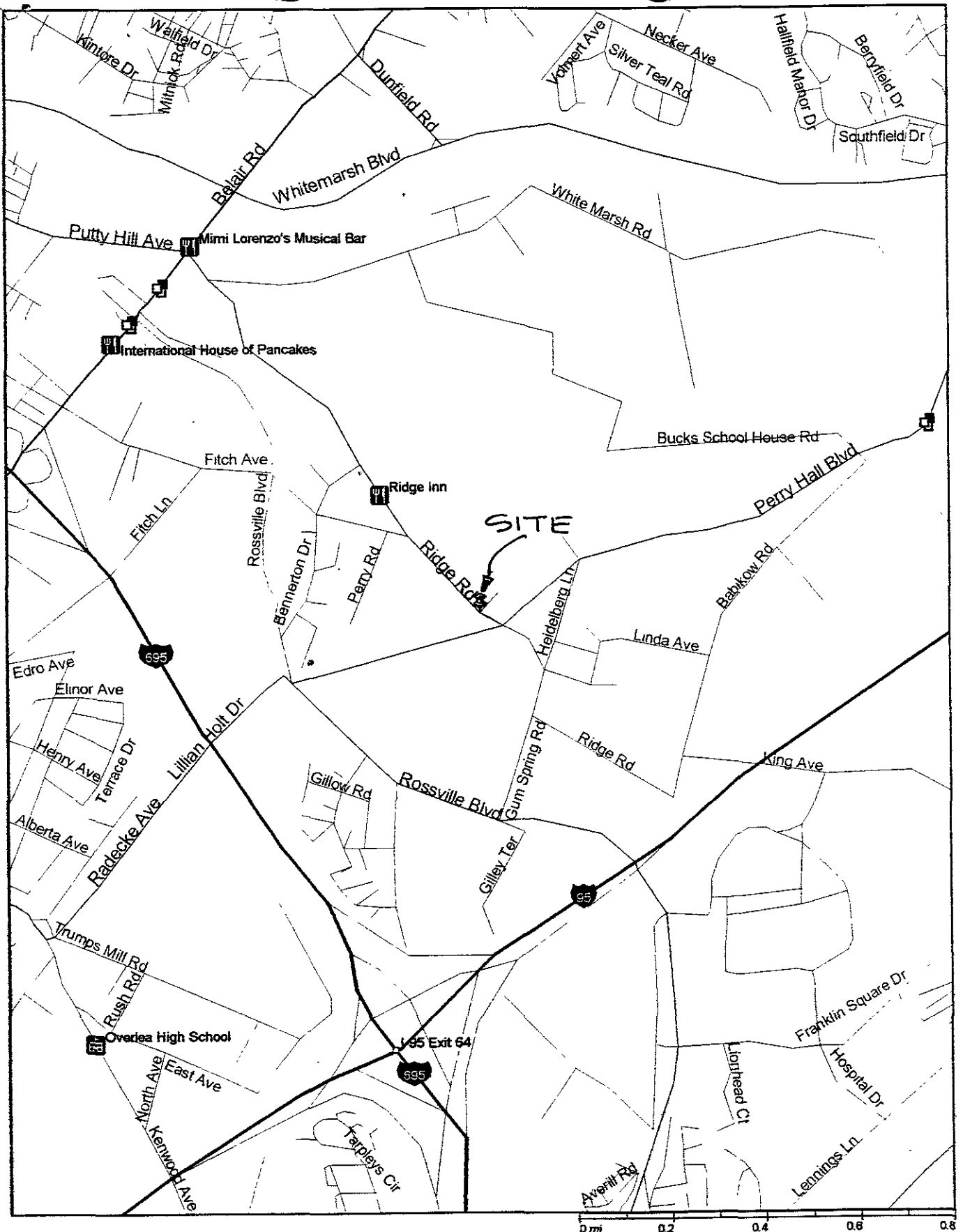
JOB No.

E 07-103

5645 LEIDEN ROAD
BALTIMORE, MD 21206-2916
410-866-5395



99-494-A

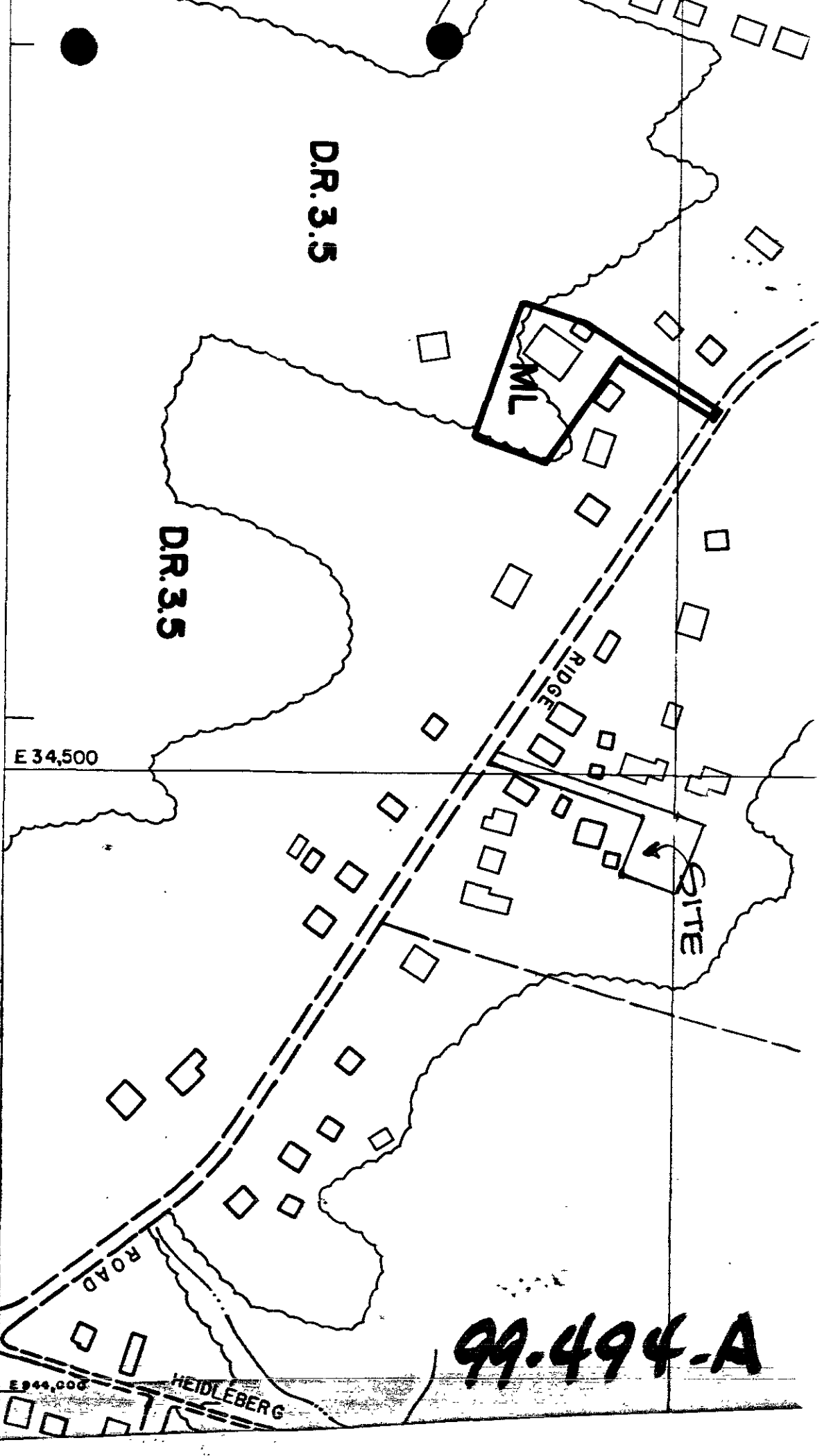


Streets98

494

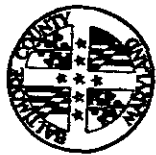
COUNTY AND ZONING MAP

494



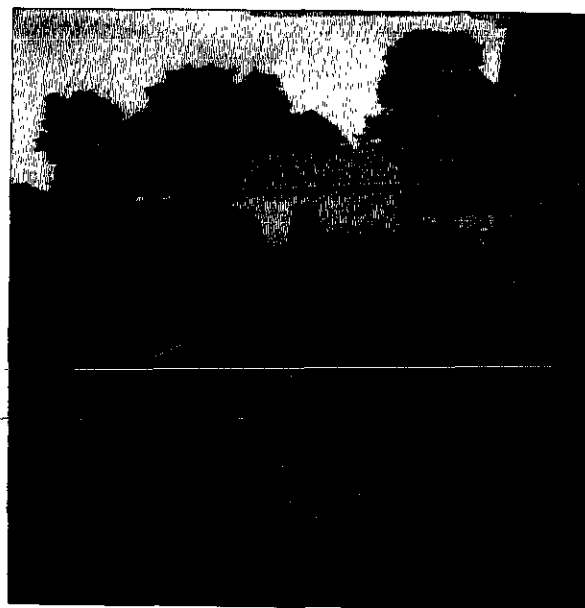
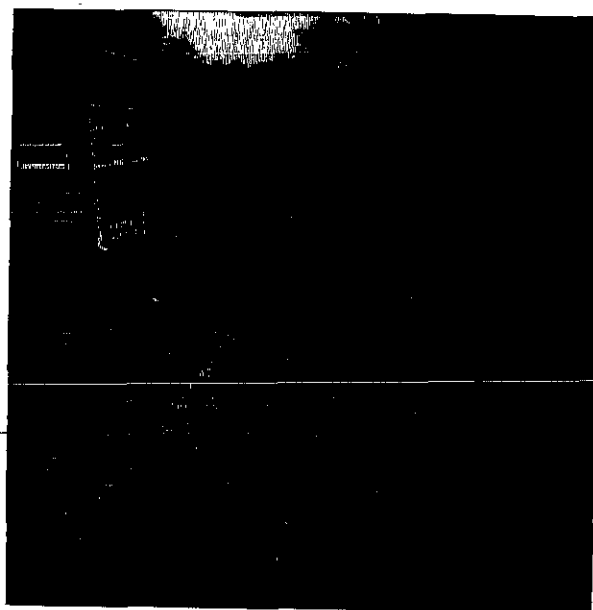
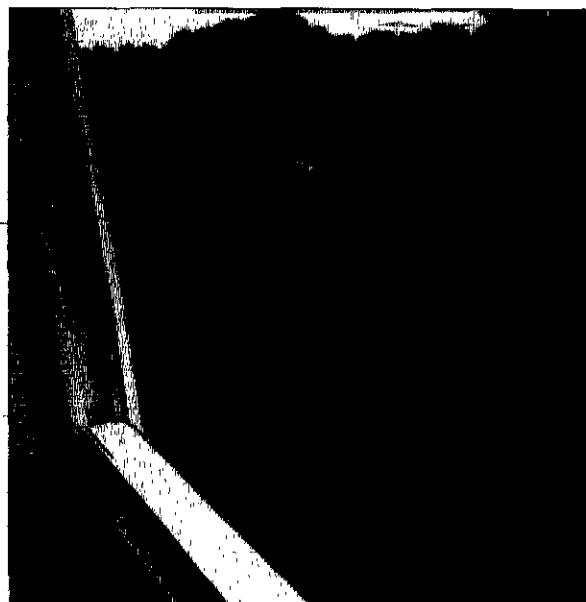
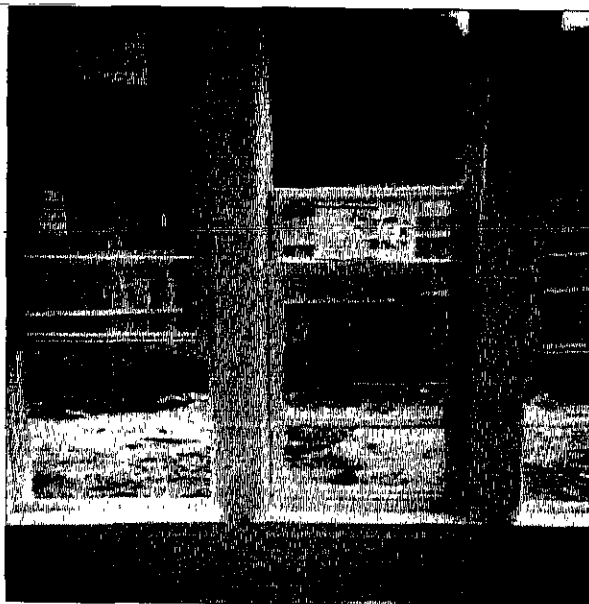
99-494-A

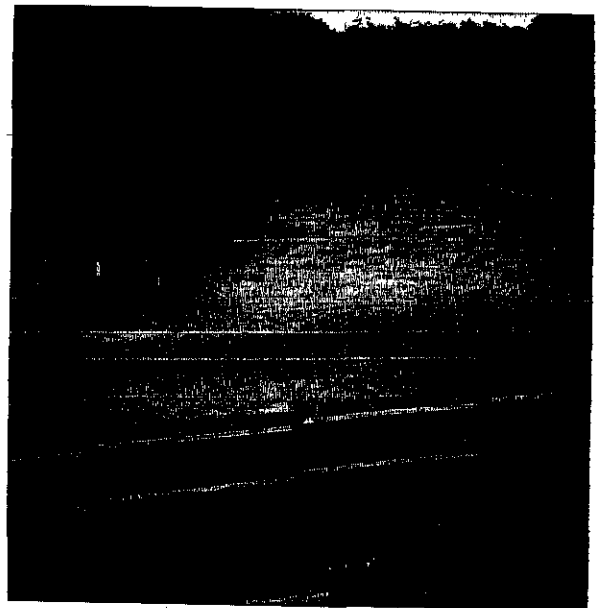
<p>SCALE</p> <p>1" = 200' ±</p>	<p>DATE OF PHOTOGRAPHY</p> <p>JANUARY 1986</p>
<p>LOCATION</p> <p>NE 7F</p> <p>FULLERTON</p>	<p>1" = 200'</p>

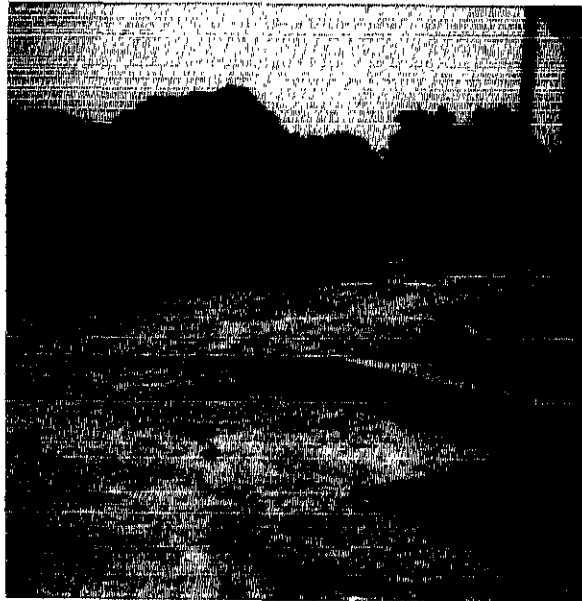


Baltimore County Zoning Commissioner
Office of Planning
Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204

Photographs

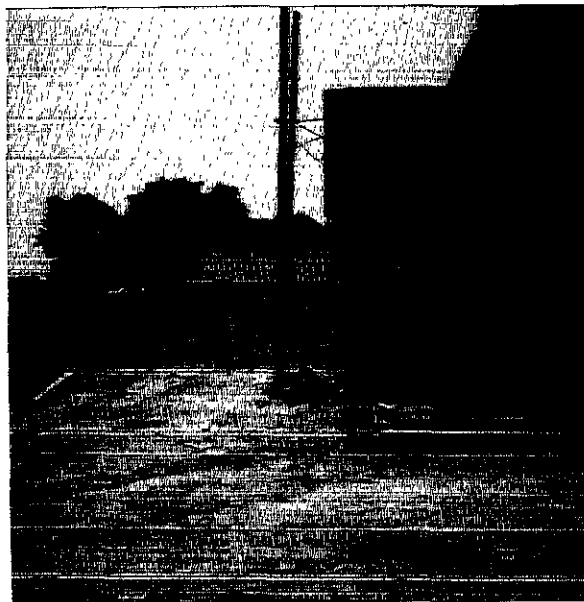






Rear yard

#494



Sunroom to be varienced

#494

99.494-A